

# EXHIBIT “D”

## C&amp;S Attorneys' Fees

Date	Atty	Hrs.	Rate	Total
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**1. Case Development**

7/30/2003	LRS	1.75	\$200	\$350	Review new correspondence and provide responses; work on statement of facts regarding Berry
7/31/2003	LRS	1	\$200	\$200	Review and comment on new pleadings
8/4/2003	LRS	0.75	\$200	\$150	Review new correspondence regarding Berry and service of process and prepare comments
8/5/2003	LRS	0.875	\$200	\$175	Review correspondence and provide comments on procedural issues relating to Berry copyright claims
8/8/2003	LRS	1.375	\$200	\$275	Telephone call with Hogan and Ichida; review new correspondence regarding settlement proposal and telephone call regarding same; review new correspondence regarding Hogan's mischaracterizations; follow-up telephone call with Ichida
8/20/2003	LRS	2	\$200	\$400	Review new Hawaii lawsuit and prepare comments
9/19/2003	LRS	0.875	\$200	\$175	Review new correspondence regarding Berry's claims and prepare comments; review correspondence regarding scheduling of Rule 26(f) meeting and prepare response
9/26/2003	LRS	0.5	\$200	\$100	Attend meet and confer conference
10/10/2003	AEL	2.6	\$120	\$312	Draft Rule 26(b) disclosure; Draft Scheduling Conf Statement for C&S/Fleming; Draft 26(a) Disclosure for both
10/21/2003	AEL	0.15	\$120	\$18	Review Hogan's email re: stipulation to postpone Nov. 17, 2003 hearing on Fleming's motion to dismiss pursuant to the first to file rule
11/18/2003	LRS	2.25	\$200	\$450	Review new pleadings; prepare correspondence regarding same; telephone conversations from Hogan regarding discovery and "meet and confer"
11/24/2003	LRS	1	\$200	\$200	prepare and attend meet and confer with Hogan
12/9/2003	LRS	1	\$200	\$200	Correspondence with Capozzola regarding copyright issues and expert witness
1/7/2004	LRS	0.75	\$200	\$150	Review new correspondence from Hogan and prepare response; research regarding scope of discovery
1/14/2004	LRS	1.5	\$200	\$300	Research regarding Mark Dillon's testimony and original creation

2/3/2004 LRS	2.5	\$200	\$500 Work on evaluation of copyright claim
2/6/2004 LRS	2.375	\$200	\$475 Attend status conference; work on settlement proposal
2/9/2004 AEL	1.85	\$120	\$222 Draft Confidential Settlement Conference Statement
2/10/2004 LRS	1	\$200	\$200 Revisions to settlement conference statement
2/11/2004 LRS	1.5	\$200	\$300 Correspondence regarding settlement issues
2/11/2004 AEL	0.2	\$120	\$24 Review latest correspondence, Court's Minutes
2/12/2004 LRS	0.75	\$200	\$150 Review new correspondence regarding settlement Review new correspondence from Betsi Silverman and prepare
2/16/2004 LRS	1	\$200	\$200 response Review new correspondence regarding proposed settlement
2/18/2004 LRS	0.5	\$200	\$100 and work on response Research re: Proposed Terms for settlement; draft Proposed
2/18/2004 AEL	2.25	\$120	\$270 Term Sheet
2/23/2004 LRS	1	\$200	\$200 Prepare letter regarding settlement recommendation Work on letter regarding settlement recommendation and
2/24/2004 LRS	1.5	\$200	\$300 proposed term sheet Work on Fleming, et al's Answer to Plaintiff's Second Amended
2/24/2004 AEL	1.3	\$120	\$156 Complaint
3/3/2004 LRS	1.25	\$200	\$250 Attend settlement conference and report to C&S and Fleming Review Orders from Judge Kobayashi re: plaintiff's filing of second amended complaint, appointing Bill Myer as mediator,
3/18/2004 AEL	0.3	\$120	\$36 and vacation of all dates pending mediation
3/22/2004 LRS	0.5	\$200	\$100 Work on letter to mediator
3/26/2004 LRS	1.25	\$200	\$250 Work on letter to mediator Review new correspondence re retention; review correspondence re investigation of new software and provide
3/30/2004 LRS	1.5	\$200	\$300 comments; work on revisions to letter to mediator Review new correspondence and prepare response regarding
4/2/2004 LRS	0.875	\$200	\$175 replacement software Work on responses to Hogan correspondence regarding mediation; review correspondence from C&S re proposed
4/7/2004 LRS	1.5	\$200	\$300 settlement terms and prepare responses
4/8/2004 LRS	1.25	\$200	\$250 Work on recommendations regarding mediation
4/14/2004 LRS	1	\$200	\$200 Prepare documents for submission to mediator
4/16/2004 LRS	1.5	\$200	\$300 Attend conference with mediator

4/21/2004 LRS	2.25	\$200	\$450	Correspondence to mediator; correspondence regarding Berry's administrative claim
4/23/2004 LRS	2.5	\$200	\$500	Work on analysis of applicable legal standard re software "similarities", if any. Correspondence regarding mediation
4/26/2004 LRS	2.25	\$200	\$450	Prepare correspondence regarding responses to Berry claims; prepare for mediation
4/28/2004 LRS	2.375	\$200	\$475	Work on analysis of software and research new issues raised by Hogan
5/5/2004 LRS	3	\$200	\$600	Prepare and attend mediation
5/6/2004 AEL	2.2	\$120	\$264	Research regarding Plaintiff's interpretation of date of "publication" of software
5/6/2004 LRS	1	\$200	\$200	Review new correspondence re mediation report and prepare responses
5/10/2004 AEL	0.45	\$120	\$54	Finalize documents for transmittal to counsel for all defendants
5/10/2004 LRS	1.75	\$200	\$350	Attend conference with court; attend meeting of defense counsel; prepare report regarding same
5/11/2004 LRS	1.5	\$200	\$300	Telephone calls with Birchette regarding mediation and litigation; work on motions for partial summary judgment
5/12/2004 AEL	1.85	\$120	\$222	Analysis re jury instructions and independent creation
5/14/2004 LRS	1.375	\$200	\$275	Review new correspondence re attempted mediation; and prepare responses
5/17/2004 LRS	3	\$200	\$600	Correspondence from Limongelli and Capozzola; prepare responses and work on C&S motion for summary judgment
5/18/2004 LRS	2.75	\$200	\$550	Review correspondence from Hogan, Wes Ching; Victor Limongelli and Capozzola; prepare report regarding discovery issues involving Hogan
5/26/2004 LRS	4.5	\$200	\$900	Review new correspondence from C&S and prepare response re plaintiff's allegations; telephone conversations regarding same; work on response to appeal
6/21/2004 LRS	1.25	\$200	\$250	Review new correspondence from C&S and prepare response
6/21/2004 AEL	1.15	\$120	\$138	Analysis of Plaintiff's RICO statement
8/23/2004 LRS	1.375	\$200	\$275	Review new pleadings re Y. Hata subpoena; correspondence w/ Kirkland & Ellis re same; correspondence with Hogan and K&E regarding scheduling

9/1/2004	LRS	0.75	\$200	\$150	Review correspondence from Hogan; attend meeting with Hogan regarding special master;
10/14/2004	LRS	1	\$200	\$200	Telephone calls with other defendants' counsel regarding discovery disputes
10/15/2004	AEL	0.45	\$120	\$54	Review Berry's Subpoena to Costco, Sam's and Safeway. Research rules regarding plaintiff's subpoenas to Costco, Sam's Club and Safeway; re subpoena authority under FRCP Rule 45, rights of opposing counsel to documents subpoenaed
10/17/2004	AEL	1.415	\$120	\$170	and notice requirements
10/18/2004	LRS	0.875	\$200	\$175	Telephone conversation with Hogan; review correspondence regarding Iowa Telecom records and Hogan discovery claims; telephone conversation with Hosoda regarding same
10/19/2004	LRS	0.875	\$200	\$175	Review new correspondence regarding discovery disputes; telephone conversation with Hogan regarding "meet and confer"
10/25/2004	AEL	2.05	\$120	\$246	Research regarding subpoena duces tecum in civil case served on non-party, rights of parties, procedures for access
10/26/2004	AEL	1.89	\$120	\$227	Research regarding procedures for subpoena duces tecum independent of deposition, service requirements; draft memo on same
10/26/2004	LRS	0.5	\$200	\$100	Telephone calls with Hogan regarding discovery of Flemings personnel records
10/27/2004	AEL	0.3	\$120	\$36	Attend Production of Documents in response to subpoena duces tecum
10/28/2004	LRS	1.25	\$200	\$250	Review new motions from Hogan; review new discovery demands from Hogan; telephone conversation with Hogan regarding same
10/29/2004	AEL	0.365	\$120	\$44	Draft memo re Berry's motion for continuance on MSJ
11/9/2004	AEL	0.45	\$120	\$54	Telephone conference with Jodi Kimura, counsel for Guidance Systems regarding current status of case, pleadings
11/10/2004	AEL	2.05	\$120	\$246	Prepare documents for Guidance System counsel, review records re: Fleming, Sinesky, and Berry, draft letter to Judge Kobayashi and all parties re: agreement that Clyde Matsui serve as Special Master

2/16/2005 LRS	2.75	\$200	Review new correspondence from C&S; telephone call with C&S in-house counsel regarding status; review new
2/20/2005 AEL	0.24	\$120	\$550 correspondence from Matsui
			\$29 Manage calendar communicate with Samad
			Prepare letter to Matsui regarding operating system; review new correspondence from Hogan regarding production of 1993
3/1/2005 LRS	1.5	\$200	\$300 database and prepare response;
			Telephone conference and correspondence with K&E regarding Hogan proposal for discovery; prepare discussion of expert standard for report; review correspondence from B. Silverman regarding software; review new correspondence
3/2/2005 LRS	2.75	\$200	\$550 from Hogan regarding 1993 FCS and prepare response.
			(02/28/05) Review new pleadings; Telephone conferences regarding discovery of 1993 FCS; Telephone conferences
3/6/2005 LRS	2.25	\$200	\$450 regarding expert witnesses
			Review new correspondence from Hogan and prepare
3/9/2005 LRS	0.5	\$200	\$100 response.
			Review new material from Hogan; Telephone conference with
3/10/2005 LRS	1.75	\$200	\$350 Capozzola; prepare letters in response.
			Telephone conferences with Hosoda and Capozzola; Prepare
3/11/2005 LRS	0.75	\$200	\$150 new correspondence regarding installation of operating system.
			Prepare reports regarding plaintiff attempt to discover C&S
3/15/2005 LRS	4	\$200	\$800 profits; work on provisions of protective order.
3/16/2005 AEL	0.09	\$120	\$11 Review correspondence from Hogan
			Telephone conversations regarding Hogan assertions re Best Yet milk label and prepare resport regarding same; review new
3/17/2005 LRS	1.375	\$200	\$275 correspondence from Hogan
			Prepare materials for expert witness; work on C&S motion for
3/18/2005 LRS	2.5	\$200	\$500 summary judgment
			Prepared documents to be mailed to Kirkland & Ellis; finalized written interrogatories from C&S and from PCT; reviewed most
3/18/2005 AEL	1.3	\$120	\$156 recent correspondence
			Research previous correspondence re plaintiff's allegations
3/19/2005 AEL	0.36	\$120	\$43 and responses

3/20/2005 AEL	0.415	\$120	Research previous correspondence re plaintiff's allegations
3/21/2005 AEL	0.21	\$120	\$50 and responses
3/23/2005 AEL	1.45	\$120	\$25 document management; review email communications
			Document management, finalize joinder; review new
			\$174 correspondence and filings
			Telephone calls regarding Guidance discovery requests;
			review correspondence regarding Y. Hata; research regarding
			plaintiff's experts; obtain and review deposition transcript of
3/23/2005 LRS	3.25	\$200	\$650 Ueno from other cases
3/29/2005 LRS	1	\$200	\$200 Conference call regarding expert witness
			Telephone conversation with potential expert witness regarding
3/29/2005 LRS	1.25	\$200	\$250 expert testimony
3/31/2005 LRS	0.75	\$200	\$150 Conference call regarding expert testimony
			Prepare PCT's Memo in Opp to Berry's Motion for Relief from
			Rule 16 Scheduling Order; prepare C&S Memo in Opp and
4/1/2005 AEL	2.65	\$120	\$318 Joinder to PCT's Memo in Opp; prepare exhibits
			Review new pleadings and motions; conference call with
4/1/2005 LRS	2	\$200	\$400 Capozzola and Hosoda regarding same
			Coordination with K&E re document management re new filings
4/4/2005 AEL	0.12	\$120	\$14 and responses
4/6/2005 LRS	2.625	\$200	\$525 Review new materials regarding Berry's expert witness
			Draft letters to Hogan and discovery master regarding
			discovery issues and production of database; work on expert
4/7/2005 LRS	3	\$200	\$600 opinion
			prepare documents for hearing on Ponce defendant's Motion
			for Summary Judgment and Berry's Cross Motion FPR
4/11/2005 AEL	0.2	\$120	\$24 Summary Judgment
			Attend conference with Clyde Matsui; telephone calls regarding
			expert witness; correspondence to Hogan re production of
			database; review new orders from discovery master; work on
4/12/2005 LRS	4.25	\$200	\$850 C&S motion for summary judgment
4/13/2005 ACT	0.75	\$150	\$113 Research public records re Berry
			Telephone calls with Hogan and correspondence regarding
4/13/2005 LRS	4.5	\$200	\$900 master's orders
			Manage document, review recent filings, review pleadings
4/13/2005 AEL	3.4	\$120	\$408 related to whether Berry subpoenas to non-parties
4/14/2005 AEL	2.125	\$120	\$255 Review documents subpoenaed by Berry from third parties

4/15/2005 AEL	0.39	\$120	\$47	Review most recent correspondence; document management
4/18/2005 AEL	0.65	\$120	\$78	Research re legal standard for expert opinion and documents relevant to that standard. Research files for appropriate documents
4/18/2005 ACT	0.75	\$150	\$113	Telephone conversation with Julieann Berry; interoffice conference re same
4/19/2005 LRS	4	\$200	\$800	Research regarding plaintiff's damage claim; correspondence with Hogan; work on motion for summary judgment regarding logistics software; prepare proposed schedule for Matsui; telephone calls regarding scheduling and mainland depositions; correspondence regarding mediation
4/20/2005 LRS	4.25	\$200	\$850	Review new minutes from Judge Mollway; review Master report and prepare letter to Court; correspondence regarding scheduling of experts and motions; correspondence with Hogan regarding production; work on motions; logistics regarding protective order; review correspondence from Fujichaku
4/20/2005 JSL	0.375	\$35	\$13	Deliver filings
4/25/2005 LRS	3.25	\$200	\$650	Correspondence with Hogan regarding mainland depositions; correspondence regarding production of 1993 FCS;
4/25/2005 JSL	3.75	\$35	\$131	Document and file management
4/25/2005 ACT	1.45	\$150	\$218	Work on discovery and motions schedule; interoffice conference regarding schedule; work on correspondence to Judge regarding motions cutoff; review new correspondence
4/26/2005 JSL	2.25	\$35	\$79	Document and file management
4/27/2005 JSL	3	\$35	\$105	Document and file management
4/28/2005 JSL	2.75	\$35	\$96	Document and file management
4/29/2005 LRS	1	\$200	\$200	telephone call from court staff regarding conference call; review new pleadings; work on Johnson depo prep
4/29/2005 JSL	3	\$35	\$105	Document and file management
5/2/2005 JSL	1.25	\$35	\$44	Document and file management
5/2/2005 JSL	2.5	\$35	\$88	Index Special Master documents
5/3/2005 JSL	3.5	\$35	\$123	Prepare index of Special Master correspondence



5/4/2005 JSL	2	\$35	\$70 Prepare Index of Special Master Correspondence
5/5/2005 ACT	0.3	\$150	\$45 Review new correspondence from C&S
5/5/2005 JSL	2.25	\$35	\$79 Prepare index of Special Master corresopndence
5/6/2005 JSL	3	\$35	\$105 Prepare index of correspondence file
5/9/2005 AEL	0.95	\$120	\$114 Review latest correspondence, review recently filed pleadings
5/9/2005 JSL	2	\$35	\$70 Prepare index of correspondence file
5/9/2005 ACT	0.15	\$150	\$23 Review new correspondence
5/10/2005 JSL	1	\$35	\$35 Document and file management
5/10/2005 JSL	1	\$35	\$35 Prepare index of correspondence file
5/11/2005 JSL	1.5	\$35	\$53 Prepare index of pleadings file
5/12/2005 JSL	1	\$35	\$35 Prepare index of pleadings files
5/14/2005 AEL	1.35	\$120	Research re expert opinion; confer with M. Walker; respond to
5/23/2005 AEL	0.5	\$120	\$162 e-mails from K&E attorneys
5/24/2005 LRS	1	\$200	\$60 Finalize interrogatories; review Order from Special Master;
6/4/2005 LRS	1.375	\$200	Telephone calls with Dechter and Capozzola regarding expert
6/5/2005 LRS	0.5	\$200	\$200 opinions
6/6/2005 LRS	2.75	\$200	\$275 Telephone calls regarding Dechter report
6/7/2005 LRS	3.375	\$200	\$100 Telephone calls regarding Dechter report
6/8/2005 MAK	1.75	\$100	Review expert damages report; and work on daages issues;
6/9/2005 MAK	1	\$100	\$550 review new correspondence from court
6/22/2005 LRS	2.25	\$200	Review expert materials; review new correspondence; review
6/23/2005 LRS	3.125	\$200	\$675 pleadings regarding Guidance and Alix
6/24/2005 LRS	2	\$200	\$175 Research cases in which an Ueno testified
7/1/2005 AEL	0.17	\$120	\$100 Research cases in which an Ueno testified
7/6/2005 LRS	1.5		Work on prep for Ueno deposition; correspondence regarding
			HEX settlement; review new correspondence regarding
			discovery master; review correspondence regarding expert
			\$450 witnesses
			Review new correspondence regarding Guidance discovery;
			\$625 HEX settlement; J. Kinrich report
			Review motion regarding HEX settlement and prepare
			comments; correspondence and prepare regarding Ueno
			\$400 deposition
			\$20 Review correspondencepondence to Hogan re costs
			Prepare letter to Hogan regarding deletion of 23,000 files;
			\$0 review new correspondence from Hogan;

7/28/2005 LRS	4.5	\$200	\$900	research regarding plaintiff motion for reconsideration
11/7/2005 ACT	0.5	\$150	\$75	Work on attorneys' fee issue
				work on recommendations regarding Hogan's threatened suit
12/9/2005 LRS	5	\$200	\$1,000	against C&S
				Review new correspondence from Wayne Berry to C&S;
				telephone call with B. Silverman; prepare letter to Hogan
1/9/2006 LRS	8.25	\$200	\$1,650	regarding same; work on oppositions to motions in limine
8/21/2003 LRS	1	\$200	\$200	Conference call regarding response to Berry lawsuit
Total			\$39,880	

## 2. Pleadings

8/25/2003 LRS	1	\$200	\$200	Prepare new correspondence and conference call regarding Berry; telephone call with Ichida; review new correspondence from Hogan and telephone calls regarding same
				Review new correspondence; telephone call with E. Reber-Porter regarding Hawaiian Express litigation; telephone call with A. Beaman regarding Foodland response to litigation with
8/26/2003 LRS	1	\$200	\$200	Berry; telephone calls regarding same
8/27/2003 LRS	1.75	\$200	\$350	Work on responsive pleading to Berry Hawaii lawsuit
8/29/2003 LRS	0.875	\$200	\$175	Work on responsive pleading
9/9/2003 ACT	0.5	\$150	\$75	Edit C&S motion to dismiss
				Draft, edit, finalize, and file motion to transfer, stay, or dismiss Berry's amended complaint filed August 13, 2003 (C & S
9/9/2003 AEL	4.5	\$120	\$540	companies brief)
12/3/2003 AEL	2.55	\$120	\$306	Draft Answer to Berry's Amended Complaint
12/4/2003 AEL	3.75	\$120	\$450	Draft Answer to Amended Complaint
				Research re: whether Noerr-Pennington doctrine is applicable to Sherman Act claims; research re: whether "failing company"
12/5/2003 AEL	2.55	\$120	\$306	defense is applicable
12/7/2003 AEL	2.45	\$120	\$294	Finalize Answer to Amended Complaint
1/15/2004 LRS	1	\$200	\$200	Finalize answer to complaint
				Review Plaintiff's Motion for Leave to File Second Amended Complaint and Motion for Relief from Rule 16 Conference;
				research re: new defendants added in amended complaint;
1/23/2004 AEL	1.6	\$120	\$192	draft research memo re same

2/23/2004 AEL	0.7	\$120	\$84	Review and analysis of Plaintiff's Second Amended Complaint Draft Fleming et al's Answer to Plaintiff's Second Amended Complaint; Review and analyze Plaintiff's Opposition to to Cohen/ES3 Motion to dismiss; Begin Drafting Reply
2/25/2004 AEL	4.95	\$120	\$594	Memorandum to Plaintiff's Opposition Research "improper purpose" and "frivolous" for support for Objections to Berry's Proposed Second Amended Complaint;
2/29/2004 AEL	2.95	\$120	\$354	begin drafting same. Draft response to Plaintiff's Proposed Amended Second
3/1/2004 AEL	3.8	\$120	\$456	Complaint Work on response to amended complaint; telephone call with C&S in-house counsel; prepare materials for C&S; work on
3/2/2004 LRS	1.625	\$200	\$325	proposed settlement term sheet
5/7/2004 AEL	3.9	\$120	\$468	Research re claims against additional defendants
5/7/2004 LRS	2.25	\$200	\$450	Review new amended complaint and work on response
5/13/2004 AEL	3.8	\$120	\$456	Analysis re Second Amended Complaint
5/14/2004 AEL	4.05	\$120	\$486	Work on response to Second Amended Complaint
2/23/2005 AEL	0.375	\$120	\$45	Review latest pleadings
Total			\$7,006	

### 3. Interrogatories

10/6/2003 LRS	1.5	\$200	\$300	Review new correspondence from Hogan; work on discovery responses
10/22/2003 LRS	0.875	\$200	\$175	Work on discovery responses
10/28/2003 AEL	0.2	\$120	\$24	Review plaintiff's second request for prod of docs for C&S (all three entities) and Fleming
10/29/2003 AEL	1	\$120	\$120	Draft Fleming and C&S responses to Berry's Second request for POD
10/29/2003 LRS	1	\$200	\$200	Work on discovery responses
10/30/2003 AEL	0.5	\$120	\$60	Final edit on Fleming and C&S's Responses to Plaintiff's Second Request for Production of Documents
11/5/2003 LRS	0.5	\$200	\$100	Work on discovery responses
12/4/2003 LRS	1	\$200	\$200	Prepare discovery responses
1/29/2004 LRS	2.25	\$200	\$450	Work on responses to discovery re Guidance
11/4/2004 LRS	0.5	\$200	\$100	Review documents for production

11/17/2004 LRS	0.5	\$200	\$100 Telephone conference w/ Julia Morgan regarding production of business information to Berry
			Review Judge Mollway's Order re timeline for briefs to be filed; review and begin work on document request. Review documents that we have already provided; draft memo to
12/16/2004 AEL	2.05	\$120	\$246 Kirkland regarding their request.
			Review Hogan's memorandum regarding 1-7-05 discovery
1/14/2005 AEL	0.45	\$120	\$54 confrence; document management
1/19/2005 LRS	0.75	\$200	\$150 Review draft protective order and prepare comments
			Prepare letter to Matsui regarding inspection of computers and
1/24/2005 LRS	2.5	\$200	\$500 procedures regarding destruction of evidence
1/31/2005 LRS	2	\$200	\$400 Work on letter to Matsui regarding preservation of evidence
			Review correspondence from Hogan; telephone call with
2/3/2005 LRS	0.5	\$200	\$100 Hogan regarding Y. Hata discovery disputes
2/3/2005 AEL	0.45	\$120	\$54 Review and edit subpoena for Y. Hata
2/9/2005 AEL	0.01	\$120	\$1 Provide documents to Bronster Crabtree
			confer with O. Samad and A. Andrews of K&E regarding
			scheduleing of Berry's motion to quash and PCT's reply on
2/22/2005 AEL	0.4	\$120	\$48 protective order
			Attend hearing before master via conference call; work on
3/8/2005 LRS	0.75	\$200	\$150 responses to requests from Master.
			Prepare letters responding to Special Master's list of questions
			regarding detailed information of the operation of Berry's
3/9/2005 AEL	1.125	\$120	\$135 software
			Work on Special Master's Order that we produce transcripts of
			proceedings where the Berry software was addressed; draft
3/10/2005 AEL	4.4	\$120	\$528 inventory of same
			Work on production of materials requested by Master; prepare
3/11/2005 AEL	2.7	\$120	\$324 correspondence re same
			Work on objections regarding protective order and prepare
			comments; work on objection regarding profit discovery; review
			new correspondence from Hogan regarding milk packaging
			and work on inquiry regarding same; prepare report regarding
3/16/2005 LRS	3.375	\$200	\$675 copyright registration
			Finalize two sets of interrogatories to go out from PCT and
3/17/2005 AEL	0.735	\$120	\$88 C&S.

3/21/2005 LRS	2.75	\$200	\$550	Work on letter to Matsui regarding discovery of "profits"; review plaintiff's expert reports and work on materials for defendant's expert
3/22/2005 LRS	1.625	\$200	\$325	work on motions for summary judgment; work on legal authorities regarding plaintiff's allegation of derivative work
3/22/2005 AEL	1.95	\$120	\$234	review Berry's expert's opinion; research related to expert opinion
4/7/2005 AEL	0.8	\$120	\$96	Finalize letter to Special master regarding need for Order related to Berry's production of FCS
4/8/2005 AEL	1.3	\$120	\$156	prepare original signature filing; conference with Olivia Samad regarding calendar updates, calendar new information; review Hogan's latest correspondence
4/8/2005 LRS	2.75	\$200	\$550	Review new correspondence from Hogan; draft e-mail to Hogan; work on letter to discovery master; work on expert discovery.
10/10/2003 LRS	0.375	\$200	\$75	Review new correspondence regarding deposition scheduling and prepare response
11/3/2003 LRS	0.5	\$200	\$100	Reveiw new correspondence regarding Dillon deposition
Total			\$7,368	

#### 4. Depositions

11/26/2003 LRS	0.5	\$200	\$100	Conference call regarding strategy; work on discovery responses regarding C&S 30(b)(6) deposition
12/11/2003 LRS	1	\$200	\$200	Attend depo prep with Dillon
12/16/2003 LRS	0.75	\$200	\$150	Attend depo of Mark Dillon
12/16/2003 JWS	2.25	\$120	\$270	Attend Dillon deposition
12/17/2003 JWS	0.4	\$120	\$48	Prepare deposition summary
12/23/2003 LRS	4.5	\$200	\$900	Prepare and attend continued deposition of Mark Dillon
11/16/2004 LRS	1	\$200	\$200	Correspondence regarding scheduling of depositions; review new discovery materials
11/18/2004 LRS	0.5	\$200	\$100	Telephone calls with Hogan regarding discovery master; correspondence regarding discovery issues
12/1/2004 LRS	0.75	\$200	\$150	Correspondence with Hogan and defense counsel regarding scheduling of discovery
12/3/2004 LRS	1	\$200	\$200	Attend meeting with witnesses
12/6/2004 LRS	3.5	\$200	\$700	Attend depositions of Christensen et al.

12/6/2004	AEL	1.125	\$120	\$135	Attending depositions of Alfreda Waiolama and Jacqueline Rio
12/9/2004	AEL	0.22	\$120	\$26	Confer with Margery Bronster's office regarding relevant documents; provide documents
2/24/2005	AEL	1.65	\$120	\$198	Prepare documents re Y. Hata's deposition and Berry's motion to quash
4/21/2005	AEL	1.2	\$120	\$144	Scheduling of depositions of Kleban, Griffin and Berry's Girlfriend;
5/2/2005	LRS	2.625	\$200	\$525	work on motions and depo prep re Johnson and Berry
5/3/2005	LRS	3.5	\$200	\$700	Work on analysis of plaintiff's expert opinion and work on Johnson and Berry depo prep
5/5/2005	AEL	2.55	\$120	\$306	Prepare notice of depositions, certificates of service, and subpoenas and deposition for Ueno and Johnson; confer with D. Capozzola regarding service of subpoenas; confer with Sheriff Young regarding service of subpoena; draft affidavit for Sheriff;
5/6/2005	AEL	1.1	\$120	\$132	Prepare documents for Noticing Berry's Expert witnesses, confer with K&E; supervise service
5/10/2005	LRS	2.125	\$200	\$425	Deposition prep; work on legal research regarding plaintiff's theories
5/13/2005	AEL	3.1	\$120	\$372	Review and index documents produced by Professor Johnson; review past pleadings and exhibits necessary to opening brief; review recent correspondence and orders
5/15/2005	AEL	0.8	\$120	\$96	Preparation for Johnson and Berry depositions
5/16/2005	LRS	3	\$200	\$600	Review new correspondence; review workup regarding expert report in reference to depo prep.; conference call regarding same;
5/16/2005	JSL	2	\$35	\$70	Prepare for deposition
5/16/2005	AEL	3.55	\$120	\$426	Deposition preparation for Y. Hata; confer with M. Walker and D. Capozzola
5/17/2005	LRS	4.5	\$200	\$900	Attend deposition of Y. Hata; work on prep for Berry and Johnson depositions;
5/17/2005	AEL	5.05	\$120	\$606	Deposition preparation for Y. Hata and Wayne Berry
5/18/2005	LRS	4.25	\$200	\$850	Attend deposition of Wayne Berry; work on prep. for Johnson
5/19/2005	LRS	4.375	\$200	\$875	Attend deposition of Wayne Berry and Philip Johnson
5/19/2005	JSL	0.5	\$35	\$18	Scan exhibits into computer system for deposition prep.

5/19/2005 AEL	4.675	\$120	\$561	Deposition preparation; attend deposition of Wayne Berry
5/20/2005 AEL	0.65	\$120	\$78	Organize documents following depositions; review latest correspondence
6/4/2005 AEL	5.55	\$120	\$666	05/18/05: Deposition preparation for deposition of Wayne Berry; deposition preparation for te deposition of Phillip Johnson attend portion of the deposition of Wayne Berry
6/21/2005 LRS	3.375	\$200	\$675	Review new correspondence regarding expert depositions; correspondence regarding HEX settlement
Total			\$12,402	

**E. Motions Practice**

				Review and comment on draft memo and declarations regarding declaratory motion against Berry; review new
8/1/2003 LRS	1.25	\$200	\$250	correspondence from Hogan
9/2/2003 LRS	1.125	\$200	\$225	Work on motion to dismiss
9/3/2003 LRS	0.625	\$200	\$125	Work on motion to dismiss
9/12/2003 AEL	1.2	\$120	\$144	Research regarding motion to set aside default judgment
9/15/2003 AEL	7.7	\$120	\$924	Research and draft motion to set aside entry of default
9/16/2003 AEL	7.1	\$120	\$852	Draft motion to set aside entry of default
9/17/2003 AEL	0.7	\$120	\$84	Review and edit motion to set aside default
9/18/2003 AEL	4.9	\$120	\$588	Finalize motion to set aside entry of default
9/23/2003 LRS	0.6	\$200	\$120	Review correspondence regarding response to Complaint and prepare comments
10/8/2003 AEL	0.4	\$120	\$48	Review Hogan's Memo in Opposition to C&S's Motion to Set Aside Default
10/20/2003 AEL	1.4	\$120	\$168	Attend scheduling conference; research motion to appoint discovery master, and begin drafting motion on same
11/4/2003 AEL	0.8	\$120	\$96	Research and draft motion for appointment of discovery master
11/12/2003 AEL	0	\$0	\$0	work on declaration in support of motion for appointment of discovery master for berry v. HEX
11/13/2003 AEL	1	\$120	\$120	Draft discovery master motion; finalize answers to second request for POD
11/13/2003 LRS	2.5	\$200	\$500	Work on discovery issues and discovery motion regarding Fleming
12/1/2003 AEL	0.55	\$120	\$66	Review affidavit of Dillon

12/1/2003 LRS	1.5	\$200	\$300	Work on motion for appointment of master
12/2/2003 LRS	0.75	\$200	\$150	Work on mtn for appointment of discovery master
12/2/2003 AEL	1.5	\$120	\$180	Finalize and file Motion for Appointment of a Discovery Master
12/2/2003 JGK	0.75	\$80	\$60	Assist in preparing exhibits for Motion for Discovery Master.
12/8/2003 LRS	0.5	\$200	\$100	Correspondence re withdrawal of first to file motion
12/15/2003 LRS	7	\$200	\$1,400	Work on mtn to dismiss Cohen and ES3
12/15/2003 AEL	0.4	\$120	\$48	Review Berry's addition of R. Cohen and ES3 as defendants; review motion to strike
12/30/2003 LRS	1	\$200	\$200	Prepare and attend hearing on motion for appointment of discovery master
1/20/2004 ACT	1.5	\$150	\$225	Work on answer; work on motion to set aside default Re Motion for Leave to File Amended Complaint; Review Local
1/25/2004 AEL	1.15	\$120	\$138	Rule 9.1 re: RICO Statement requirements
1/26/2004 AEL	2.35	\$120	\$282	Work on response to motion for leave to amend complaint for relief from scheduling order
1/28/2004 AEL	2.45	\$120	\$294	Work on analysis of plaintiff's motion for leave to file amended complaint and relief from Rule 16 Order
1/29/2004 AEL	4.7	\$120	\$564	draft memorandum in opposition to plaintiff's motion for leave to file second amended complaint; conference with HEX counsel regarding Berry's allegations of "new" evidence and his state need to file copyright registration
1/30/2004 LRS	1.25	\$200	\$250	Prepare memorandum in opposition to motion for leave to amend complaint
1/30/2004 AEL	5.6	\$120	\$672	Finalize Memorandum in Opposition to Motion for Leave to File Second Amended Complaint, prepare exhibits, prepare for filing
2/2/2004 AEL	0.7	\$120	\$84	Review Plaintiff's Memo in Opposition to Fleming, et al's Motion to Set Aside Entry of Default.
2/4/2004 AEL	0.4	\$120	\$48	Begin drafting Reply Brief re: Fleming et al, Motion to Set Aside Entry of Default
2/5/2004 AEL	3.9	\$120	\$468	Draft Reply Memorandum re: Fleming et al's Motion to Set Aside Entry of Default
2/26/2004 AEL	1.1	\$120	\$132	Research and begin drafting Reply Memorandum to Berry's Opposition to Dismiss Cohen and ES3



2/27/2004	AEL	6.1	\$120	\$732	Draft Reply to Berry's Opposition to Motion to Dismiss Cohen and ES3
					Review new correspondence regarding Christensen declaration; work on correspondence regarding settlement proposal
5/4/2004	LRS	2.25	\$200	\$450	Work on Cohen/ES3 Motion to Strike/Dismiss Second Ameded Complaint
5/16/2004	AEL	3.4	\$120	\$408	Work on Cohen/ES3 Motion to Strike/Dismiss or SJ re Second Ameded Complaint
5/17/2004	AEL	9.8	\$120	\$1,176	Work on Cohen/ES3 Motion to Strike/Dismiss or SJ Second Ameded Complaint
5/18/2004	AEL	9.9	\$120	\$1,188	Work on Cohen/ES3 Motion to Strike/Dismiss or SJ Second Ameded Complaint
5/19/2004	AEL	2.4	\$120	\$288	Prepare legal analysis re motions for s/j
5/20/2004	AEL	1.95	\$120	\$234	Review motion for preliminary injunction and work on responsive comments
5/20/2004	LRS	2.75	\$200	\$550	Research re: standard of review for appeal of magistrates decision on non-dispositive issue, research re: opposition to Appeal of Rule 16 Order
5/21/2004	AEL	0.65	\$120	\$78	Work Cohen and ES3 & FRCP Mtn to dismiss or for s/j
5/24/2004	AEL	1.2	\$120	\$144	Review new correspondence from Hogan and prepare memo regarding response
5/24/2004	LRS	1	\$200	\$200	Research statutory law and case law re: appeal of rule 16 scheduling orders, research "good cause" standard, review Berry requests for production of documents for use in opposition to rule 16 appeal
5/25/2004	AEL	2.7	\$120	\$324	Draft and edit memorandum in opposition to rule 16 scheduling order appeal
5/26/2004	AEL	4.8	\$120	\$576	Drafting and editing Memorandum in Opposition to Rule 16 Appeal, research
5/27/2004	AEL	2.85	\$120	\$342	Work on position statement regarding appeal
5/27/2004	LRS	1	\$200	\$200	Finalize Memo in Opp Re appeal, prepare Memo for filing, prepare exhibits for filing, complete declaration, confirm Fleming/C&S responses to Berry requests for production of documents
5/28/2004	AEL	3.05	\$120	\$366	

6/1/2004 LRS	1.75	\$200	\$350	Review new correspondence regarding preliminary injunction copyright law issues and prepare response; review new pleadings
6/2/2004 AEL	1.05	\$120	\$126	research regarding supplemental statement of fact, draft supplemental statement; Draft supplemental statement of fact for Opposition to Berry's Appeal of Rule 16 Order; prepare documents for Capozzola, finalize supplemental statement of fact to Opposition to Berry's Appeal of Rule 16 Order; prepare documents for Capolzzola
6/2/2004 LRS	1.625	\$200	\$325	Work on copyright law issues and review law regarding copyright misuse; conference call regarding copyright issues
6/3/2004 AEL	3.35	\$120	\$402	Work on supplement statement of fact to Opposition to Berry's Appeal of Rule 16 Order, Prepare documents for Capozzola
6/3/2004 LRS	1.75	\$200	\$350	Work on copyright issues in response to preliminary injunction motion; telephone conversation with Hosoda; telephone call with Capozzola; prepare supplemental memorandum regarding Rule 16 order
6/4/2004 AEL	0.2	\$120	\$24	Finalize Berry's Supplemental Statement of Fact to Rule 16 appeal
6/4/2004 LRS	1	\$200	\$200	Telephone conversations with Hogan regarding scheduling of Berry's deposition
6/7/2004 AEL	1.15	\$120	\$138	Attend status conference for Berry v. Fleming; Review Judge Mollway's ruling on Berry's Appeal, review request for production of documents from HTS to Berry;
6/8/2004 LRS	0.75	\$200	\$150	Research and conference call regarding plaintiff's copyright allegations and applicable law re injunction
6/9/2004 LRS	1.25	\$200	\$250	Work on opposition to preliminary injunction
6/14/2004 LRS	1	\$200	\$200	Review new correspondence; telephone conversations with Capozzola and Silverman
6/16/2004 LRS	1.25	\$200	\$250	Review new correspondence from C&S and comment on same; telephone conversations with Hogan regarding deposition of Berry; review documents regarding NTI

6/17/2004	LRS	2.25	\$200	\$450	Review new correspondence re mtn for preliminary injunction; prepare regarding preliminary injunction; telephone conversation with Hogan; correspondence with Hogan; meeting with Hogan
6/18/2004	AEL	0.11	\$120	\$13	Provide information for Capozzola re: consultants traveling to Hawaii
6/18/2004	LRS	2	\$200	\$400	Work on legal issues re copyright claims against C&S; mtn for injunction; and mtn for sj; conference with co-counsel
6/22/2004	LRS	2	\$200	\$400	Work on Cohen and ES3 motion; review new correspondence regarding Sean Barry
6/23/2004	AEL	1.9	\$120	\$228	Edit and re-draft Motion re Cohen and ES3
6/23/2004	AEL	2.2	\$120	\$264	Edit and re-draft Motion re Cohen and ES3
6/25/2004	AEL	6.9	\$120	\$828	Work on Motion re Richard Cohen and ES3; prepare correspondence to C&S re same
7/1/2004	LRS	1.5	\$200	\$300	Work on memo in opp to preliminary injunction
7/1/2004	AEL	0.3	\$120	\$36	Work on responses to Plaintiff's pleadings; t/c's w/ other defendants' counsel
7/2/2004	LRS	4.5	\$200	\$900	Telephone calls with C&S; work on report re status.
7/7/2004	LRS	2.25	\$200	\$450	Work on memo regarding preliminary injunction; prepare information re infringement claim; review correspondence from C&S and prepare response
7/9/2004	LRS	4	\$200	\$800	Work on motion regarding hiring of expert; work on opp to preliminary injunction; prepare memo regarding discovery issues
7/12/2004	LRS	3.25	\$200	\$650	Work on legal discussion re preliminary injunction copyright research; prepare answer to second amended complaint
7/16/2004	LRS	3	\$200	\$600	Work on opp to preliminary injunction; finalize and file answer; work on comments to settlement proposal
7/19/2004	LRS	1.375	\$200	\$275	Work on opposition to preliminary injunction and related discovery matters
7/27/2004	LRS	1.375	\$200	\$275	Conference call re mtns for prelim. Inj.; work on briefing
7/29/2004	LRS	2.75	\$200	\$550	Work on opposition to preliminary injunction and motion regarding expert
7/30/2004	LRS	1	\$200	\$200	Work on motion regarding appointment of expert
8/6/2004	AEL	1.15	\$120	\$138	Work on preliminary injunction opp.

8/11/2004 AEL	2	\$120	\$240	Work on C&S opp to injunction Confer with R. Olivia Samad of Kirkland & Ellis regarding memorandum in opposition and application of relevant local
8/11/2004 AEL	0.35	\$120	\$42	rules. Telephone calls with Judge Mollway's clerk and prepare
8/24/2004 LRS	1	\$200	\$200	additional information re errata Draft errata to Memo In Opp attaching proper exhibit, prepare
8/24/2004 AEL	0.725	\$120	\$87	for filing, and file correspondence w/ Liebler re testimony of live witnesses at
8/25/2004 LRS	0.75	\$200	\$150	preliminary inj. Hearing Review new pleadings regarding motion for preliminary
8/26/2004 LRS	1	\$200	\$200	injunction Telephone call from Hogan; work on motions for sj re C&S,
8/27/2004 LRS	3	\$200	\$600	Cohen and ES3 Telephone calls with court, Hogan, Hosoda and
8/27/2004 LRS	1.25	\$200	\$250	correspondence with Liebler regarding procedures Review J. Mollway's inclinations; review documents for copies
8/27/2004 AEL	2.225	\$120	\$267	of Crystal Reports as related to J. Mollway's inclinations; review
8/29/2004 AEL	1.96	\$120	\$235	documents to find pleadings containing Fleming's argument, in the pre-petition case, that Berry failed to comply with statutory
8/31/2004 LRS	1	\$200	\$200	deposit requirements Preparation for hearing on motion for preliminary injunction Prepare new mtn for appointment of master; telephone calls
9/1/2004 AEL	0.58	\$120	\$70	with Hosoda regarding cross exam of Berry Telephone call with O. Samad regarding Rule 16 Order setting
9/3/2004 LRS	1.75	\$200	\$350	the discovery parameters, transcripts from the preliminary injunction hearing on Monday, and Trial setting conference in
9/7/2004 LRS	1	\$200	\$200	Berry v. Fleming; Review draft Dillon Declaration and prepare comments; review
9/7/2004 AEL	4.4	\$120	\$528	new correspondence from Hogan Review and finalize motion for special master Prepare Motion for Special Master
9/10/2004 AEL	1.75	\$120	\$210	Draft, file, and prepare ex parte motion, declaration, and order to shorten time on hearing for motion for appointment of
9/13/2004 LRS	1.5	\$200	\$300	special master Conference call and work on proposed revisions to documents relating to preliminary injunction motion

9/15/2004	LRS	1	\$200	\$200	Review new submission by Hosoda Review Berry Notice of Reliance on Uncited Authority; t/c with Olivia Samad of Kirkland regarding Exemplified Foreign Judgment filed in Circuit Court by Wayne Berry's father; review
9/24/2004	AEL	0.925	\$120	\$111	HRS 636C Uniform Foreign Judgment Act Review correspondence regarding motion for relief from
10/5/2004	LRS	1	\$200	\$200	Scheduling Order Review HEX and Foodland's memorandum filed in response to Berry's Motion for Relief from Scheduling Order; research computation of time for filing on non-hearing motion on a
10/11/2004	AEL	0.285	\$120	\$34	holiday Review Judge Mollway's Order Denying Berry's Motion for
10/12/2004	AEL	0.14	\$120	\$17	Preliminary Injunction;
10/26/2004	AEL	0.19	\$120	\$23	Research regarding subpoena procedure Telephone conversations with Hosoda, Dulac and Hogan regarding discovery master order; correspondence with
10/27/2004	LRS	1.25	\$200	\$250	Hosoda regarding same Correspondence regarding appointment of special master;
11/1/2004	LRS	0.5	\$200	\$100	telephone call with Hogan regarding same Attend hearing on Foodland's Motion for Limited Protective
11/3/2004	AEL	1.1	\$120	\$132	Order, draft brief memo on same Work on motion for summary judgment regarding Cohen and ES3; review new correspondence from Hogan and prepare
11/5/2004	LRS	2	\$200	\$400	response Review memorandum in opposition to reconsideration and
11/5/2004	LRS	0.5	\$200	\$100	provide comments Review latest pleadings and SOM order granting Berry's
11/12/2004	AEL	0.415	\$120	\$50	motion for recon on motions for summary judgment Draft and prepare Ex Parte Motion to Extend Time to File
11/19/2004	AEL	1.34	\$120	\$161	Simple Joinder, draft and prepare Simple Joinder Review Judge Mollway's Order Denying Berry's Motion for Reconsideration, review status of Cohen and ES3 at request of
11/23/2004	AEL	1.075	\$120	\$129	C&S
12/16/2004	LRS	0.75	\$200	\$150	Review new draft pleadings Work on legal analysis motion for summary judgment for ES3; communications with Foodland counsel regarding Alvin
12/17/2004	LRS	1	\$200	\$200	Tamanaha testimony

12/20/2004	AEL	3.3	\$120	\$396	draft and prepare for filing C&S/Cohen/ES3 Statements of No Position to Dillon's MSJ, HTC's MSJ, and Foodland's Motion to Dismiss; draft and prepare for filing Fleming's Statement of No Position to HTC's MSJ and Foodland's Motion to Dismiss; and simple joinder to section V of Dillon's MSJ; file same
12/21/2004	AEL	1.65	\$120	\$198	Review Berry's Oppositions to Dillon's MSJ, HTC's MSJ, and Foodland's Motion to Dismiss/MSJ; Review Berry's Response to Concise statement of Dillon, HTC, and Foodland
12/22/2004	AEL	0.8	\$120	\$96	Manage documents to be scanned; draft instructions to printer regarding documents to be scanned; confer with O. Samad regarding format of documents and indexing of documents
12/22/2004	LRS	1.75	\$200	\$350	Telephone call with Beaman regarding discovery corrections; correspondence with Dulac regarding same and additional discovery to Berry
12/23/2004	LRS	2	\$200	\$400	Work on copyright legal analysis for motion for summary judgment regarding spreadsheets; legal analysis re ES3
12/29/2004	LRS	1	\$200	\$200	Research re legal standard in 2003 copyright case
1/3/2005	LRS	0.75	\$200	\$150	Prepare correspondence to Clyde Matsui
1/4/2005	LRS	0.5	\$200	\$100	Telephone call from Beaman regarding Foodland request; telephone conversations regarding same
1/5/2005	LRS	0.875	\$200	\$175	Review new pleadings regarding motions for summary judgment; prepare for meeting with discovery master
1/6/2005	LRS	1	\$200	\$200	Review new pleadings and attend conference with discovery master
1/7/2005	LRS	1.25	\$200	\$250	Work on responsive documents requested by discovery master
1/11/2005	LRS	1.25	\$200	\$250	Work on documents for discovery master; review new pleadings
1/17/2005	AEL	0.84	\$120	\$101	Prepare documents for Hearings on Hawaii Transfer Services' MSJ, Dillon's MSJ, and Foodland's Motion to Dismiss
1/18/2005	AEL	1.6	\$120	\$192	Prepare documents for Hearing; attend hearing
1/18/2005	LRS	1.75	\$200	\$350	Attend hearing on motions for summary judgment; attend meeting with Hosoda and C&S personnel

1/28/2005	LRS	2	\$200	\$400	Review order regarding motion for summary judgment and prepare report to C&S; work on motion for summary judgment regarding C&S and ES3; telephone conversations regarding mediation proposal
1/28/2005	AEL	0.81	\$120	\$97	Review Judge Mollway's Order Granting Motions to Dismiss; document management
2/1/2005	LRS	1.375	\$200	\$275	Prepare comments regarding Judge Mollway's order and the meaning of "illegal derivative"
2/9/2005	LRS	1.375	\$200	\$275	Telephone calls from Colombe and Beaman regarding court ruling and Foodland right to seek fees and costs; review correspondence Y. Hata issues in light of s/j ruling
2/24/2005	LRS	1	\$200	\$200	work on motions for summary judgment in light of court ruling
2/25/2005	LRS	1.75	\$200	\$350	Review new information regarding imaging; work on motions for summary judgment
2/25/2005	AEL	0.185	\$120	\$22	Work on reply to PCT's motion for protective order; draft documents for filing
2/28/2005	AEL	1.9	\$120	\$228	Research regarding expert opinions obtained and discovery produced by Hogan in Pre-Bankruptcy litigation; prepare Reply Letter in Support of Protective Order and Opposition to Berry's Motion to Quash for service
3/3/2005	LRS	2.25	\$200	\$450	New correspondence with Hogan regarding database production and prepare response; Telephone conference from Hogan regarding same; prep for hearing before Matsui; review correspondence from Bronster regarding Guidance claims and defenses and work on response; review new correspondence from Hogan.
3/7/2005	AEL	1.3	\$120	\$156	Prepare letters responding to T. Hogan's March 4 letters; coordinate teleconference
3/8/2005	AEL	1.6	\$120	\$192	Attend hearing before Special Master on PCT's motion for protective order; review calendars for both cases' deadlines; conf with Special Master's office regarding expert's needs for review of computers
3/24/2005	LRS	8	\$200	\$1,600	Review plaintiff's motion for summary judgment and work on C&S motion for summary judgment
3/28/2005	LRS	3	\$200	\$600	Review new correspondence and work on motions; conference call regarding expert witness

4/5/2005 LRS	3.5	\$200	\$700	Prepare opposition to Hogan's Motion for Relief from Scheduled Order; telephone calls regarding discovery extension from Guidance; review Berry memorandum regarding judgment; telephone calls with Capozzola regarding expert report and discovery master ruling; prep for Ueno deposition
4/11/2005 LRS	3.875	\$200	\$775	Prepare and attend hearing on employees' motion for summary judgment; work on motion for summary judgment; prepare letters to Matsui and Hogan regarding discovery conference; work on C&S expert opinion
4/14/2005 LRS	2.875	\$200	\$575	Conference call regarding expert testimony; draft motion to postpone expert deadlines and motions cutoff
4/14/2005 ACT	1.75	\$150	\$263	Work on motion for relief from scheduling order; work on ex parte motion to shorten time for hearing on motion for relief from scheduling order
4/15/2005 LRS	2.25	\$200	\$450	Attend hearing before Judge Kobayashi; telephone call with Bradley Dechter regarding expert testimony on profits; prepare correspondence re scheduling
4/18/2005 LRS	3.125	\$200	\$625	Work on motions regarding discovery and for summary judgment regarding expert opinion; telephone calls and correspondence regarding documents subpoenaed by Berry from Costco and other irrelevant third parties; proposed mediation and depositions of Griffin and Kleban; conference call with Marty Walker regarding expert opinion
4/20/2005 AEL	0.3	\$120	\$36	Work on Opposition to Berry's Motion for Summary Judgment; review and correspondence
4/21/2005 LRS	4.5	\$200	\$900	Review Berry's motion for summary judgment; review Guidance motion for summary; work on oppositions; telephone calls with C&S counsel; correspondence regarding scheduling
4/22/2005 LRS	4.5	\$200	\$900	Attend conference with Discovery Master; work on motions and memos in opposition
4/22/2005 AEL	0.83	\$120	\$100	Work on opp to Berry's msj
4/25/2005 AEL	0.55	\$120	\$66	Work on Rule 56(f) motion; review correspondence
4/26/2005 LRS	4.125	\$200	\$825	Review Berry's alleged "trade secrets"; work on motion regarding Hawaii trade secret statute



4/27/2005 AEL	3	\$120	\$360	Preparation and filing of PCT's Rule 56(f) motion and Ex Parte Motion
4/27/2005 LRS	1.875	\$200	\$375	Review new communications from court; work on motions regarding summary judgment
4/28/2005 LRS	2.25	\$200	\$450	Work on responses to Hogan's filings and on Rule 56(f) motion research regarding protective order in berry v. fleming, the documents covered by the order, draft and file C&S Joinder in Fleming's 56(f) Motion
4/28/2005 AEL	4.2	\$120	\$504	Conference call regarding plaintiff's expert report; work on summary judgment
5/4/2005 LRS	3.25	\$200	\$650	Finalize and prepare opposition to Berry's Statement of Appeal from Protective Order for filing; research and obtain documents from Berry v. Fleming for Appellate Briefing; draft and prepare for filing C&S joinder to PCT's Opposition to Berry's Statement of Appeal
5/4/2005 AEL	4.3	\$120	\$516	of Appeal
5/20/2005 LRS	4	\$200	\$800	Work on C&S, ES3 Cohen summary judgment motion
5/23/2005 LRS	4.5	\$200	\$900	Work on analysis of Plaintiff's Exhibits and opposition to plaintiff's motion for summary judgment
5/25/2005 LRS	4.75	\$200	\$950	Work on Exhibit 34 and other evidence re msj
5/30/2005 LRS	4.5	\$200	\$900	Work on exhibits and s/j motions
5/31/2005 LRS	2	\$200	\$400	Work on exhibits and s/j motions
5/31/2005 AEL	1.53	\$120	\$184	Work on Opp to Berry's Motion for Summary Judgment; confer with Rex Fujichaku regarding exhibits in Berry's Concise Statement in Support of MSJ
6/1/2005 AEL	13.6	\$120	\$1,632	Prepare Concise Statement of the Facts in Support of Countmotion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment; prepare memorandum on same; prepare exhibits
6/1/2005 LRS	8.25	\$200	\$1,650	Work on C&S Motion for Summary Judgment
6/1/2005 ACT	0.5	\$150	\$75	Interoffice conference regarding motions for summary judgment
6/2/2005 ACT	14	\$150	\$2,100	Work on C&S motion for summary judgment
6/2/2005 LRS	9.5	\$200	\$1,900	Work on Motions for Summary Judgment
6/2/2005 JSL	1	\$35	\$35	Prepare exhibits for filing
6/2/2005 JGK	4.25	\$80	\$340	Assist with preparation of documents to be filed in US District Court.

6/3/2005 JGK	0.5	\$80	\$40	Coordination of filing of cross motions. Finalize pleadings for filing; review latest correspondence; draft letter to T. Hogan regarding pdf copy of Countermotions and Oppositions; review email confirmations regarding the sending
6/3/2005 AEL	2.765	\$120	\$332	of same Review new pleadings regarding Motions for Summary
6/3/2005 LRS	2.5	\$200	\$500	Judgment; telephone calls regarding expert reports Prepare Materials requested by K&E re argument on Counter-Motion for Summary Judgment; prepare and file Errata to
6/8/2005 AEL	2.325	\$120	\$279	Concise Statement Correspondence regarding Guidance discovery; prepare
6/8/2005 LRS	2	\$200	\$400	supplemental filing; work on expert matters
6/9/2005 LRS	6.5	\$200	\$1,300	Work on C&S reply brief Review Plaintiff's Opposition to C&S Countermotion and
6/9/2005 AEL	2.6	\$120	\$312	Opposition to Plaintiff's MSJ
6/10/2005 AEL	5	\$120	\$600	Work on reply re C&S Countermotion
6/10/2005 LRS	6	\$200	\$1,200	Work on reply
6/12/2005 LRS	4.75	\$200	\$950	Work on reply Review AlixPartners' Reply to Countermotion for Summary Judgment; review stipulation re good faith settlement; review final settlement document executed by Berry Schaul; confer
6/14/2005 AEL	1.85	\$120	\$222	with AlixPartner counsel re stipulation
6/15/2005 LRS	7.5	\$200	\$1,500	Work on reply and expert opinions Finalize Reply Briefs for C&S and PCT in Support of Countermotion for Summary Judgment; finalize evidentiary
6/15/2005 AEL	3.65	\$120	\$438	objections  Review new pleadings regarding countermotions; review new correspondence regarding discovery and expert opinions; work on prepare for argument of motion for summary judgment;
6/16/2005 LRS	6.25	\$200	\$1,250	conversation with C&S regarding new hard drives Review pleadings filed by all defendants; prepare and re-file M. Walker's expert report; confer with G. Tom re documents
6/16/2005 AEL	1.535	\$120	\$184	filed Meetings regarding prep for argument and work on argument; review documents from court; review new correspondence
6/17/2005 LRS	4.125	\$200	\$825	from Fujichaku

6/18/2005 LRS	4	\$200	\$800	Work on prep for argument Preparation for hearing on Berry's Motion for Summary Judgment and PCT's and C&S's Counter-Motion for Summary
6/19/2005 AEL	1.575	\$120	\$189	Judgment
6/20/2005 AEL	3.1	\$120	\$372	Prepare documents and exhibits for hearing on Berry's Motion for Summary Judgment and PCT's and C&S's Counter-Motion for Summary Judgment; attend hearing on same
6/20/2005 JGK	0.5	\$80	\$40	Prepare documents for Hearing on Motion for Summary Judgment. Transport and set-up binders at United States District Court for Hearing on Motion for Summary Judgment.
6/20/2005 LRS	3.25	\$200	\$650	Prepare and attend argument on motion; report to C&S
1/11/2006 LRS	8	\$200	\$1,600	Meeting with Jack Borja and prepare report regarding same; work on C&S's opposition to motion for permanent injunction Review draft memoranda in opposition to Plaintiff's motion for permanent injunction; telephone conference with O. Samad
1/11/2006 THY	2.5	\$150	\$375	regarding declaration of B. Christiansen
1/12/2006 LRS	6	\$200	\$1,200	Work on C&S opposition to permanent injunction Prepare and file C&S' memorandum in opposition to Plaintiff's
1/12/2006 THY	3.5	\$150	\$525	motion for permanent injunction Review Plaintiff's Rule 60 motion for reconsideration and
2/11/2006 THY	0.8	\$150	\$120	proposed responses
2/13/2006 LRS	9	\$200	\$1,800	Work on C&S opposition to 60(b) motion
2/14/2006 LRS	7.5	\$200	\$1,500	Work on C&S opposition to 60(b)
2/15/2006 LRS	3.5	\$200	\$700	Work on C&S opposition to 60(b)
2/17/2006 LRS	5	\$200	\$1,000	Work on C&S opp to 60(b) Motion; work on revisions to Motions in Limine
2/17/2006 THY	5	\$150	\$750	RE: C&S - Finalize and file C&S Memorandum in Opposition to Motion for Reconsideration, declarations and exhibits
Total			\$85,209	

**6. Attendance at Court Hearings**

10/20/2003 LRS	0.75	\$200	\$150	Attend scheduling conference
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12/3/2003 LRS	1.25	\$200	\$250	Attend hearing and prepare report to C&S
				Attend hearing on Motion to Amend Complaint and on
2/17/2004 LRS	1	\$200	\$200	proposed settlement
3/17/2004 AEL	0.55	\$120	\$66	Status Conference before Judge Kobayashi
8/29/2004 LRS	1.75	\$200	\$350	Prep for argument on mtn for preliminary injunction
8/30/2004 LRS	2.5	\$200	\$500	Prepare and attend argument on mtn for preliminary injunction
				Final preparatiohn for hearing on Motion for Issuance of
8/30/2004 AEL	1.35	\$120	\$162	Preliminary Injunction, attend hearing
				Telephone calls and correspondence with Liebler and Hosoda
				re preliminary injunction; discovery master and retention of
9/21/2004 LRS	1.5	\$200	\$300	expert
				prep for preliminary injunction hearing; correspondence re
9/24/2004 LRS	2	\$200	\$400	Court inquiry on the date of the injunction hearing
				Prep for hearings regarding special master and preliminary
9/26/2004 LRS	1	\$200	\$200	injunction
				Attend hearing on special master and prepare for preliminary
9/27/2004 LRS	4.5	\$200	\$900	injunction motion
				Prepare documents for conference with Liebeler, Hosoda,
9/27/2004 AEL	1.6	\$120	\$192	Dulac, Mead, and Dillon; attend conference with same
9/28/2004 LRS	3	\$200	\$600	Prepare and attend hearing on motion for preliminary injunction
9/29/2004 AEL	0.8	\$120	\$96	Prepare stipulation to set aside default
9/30/2004 AEL	0.4	\$120	\$48	Finalize Answer and prepare for filing
Total			\$4,414	